

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Requirements for Digital Television)	ET Docket No. 05-24
Receiving Capability)	

COMMENTS OF MOTOROLA, INC.

Motorola, Inc. (“Motorola”) hereby submits these comments in response to the Further Notice of Proposed Rulemaking in the above caption proceeding.¹

Motorola strongly supports the Commission’s actions taken in the Report and Order of this proceeding to: 1) maintain the requirement that by July 1, 2005, fifty percent of television receivers with screen sizes 25 to 36 inches (hereinafter, “mid-tier receivers” or “mid-tier televisions”) sold in the U.S. must include digital television (“DTV”) reception capability (“50 percent mid-tier benchmark”) and, 2) advance the date on which one hundred percent of mid-tier receivers must include DTV reception capability (“100 percent mid-tier benchmark”) from July 1, 2006 to March 1, 2006. Such decisive and unwavering action is necessary to advance the DTV transition and make available critically needed spectrum for public safety and commercial communication services. The Commission must vigorously enforce these DTV tuner requirements in order to achieve its goal to “stem the flow of analog only products as soon as possible.”²

¹ *Requirements for Digital Television Receiving Capability*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 05-24, FCC 05-121 (rel. June 9, 2005) (“*DTV R&O & FNPRM*”).

² *Id.* at ¶17.

Motorola also supports the Commission's proposal in the Further Notice of Proposed Rulemaking to advance the date by which all television receivers with screens 13" inches and larger, as well as other devices that include television tuners, must include DTV tuners.³ In contrast to the specific proposal, Motorola recommends that the Commission advance the date from July 1, 2007, to November 1, 2006, rather than the proposed date of December 31, 2006 as this will provide greater opportunity to advance sales of DTV enable equipment during the holiday selling season.

I. THE COMMISSION SHOULD MOVE THE 100 PERCENT BENCHMARK FOR ALL SETS TO NOVEMBER 1, 2006

The Commission should move the deadline for all sets 13 inches or larger, and other devices that receive television signals, to be equipped with DTV tuners to November 1, 2006, two months prior to the congressionally anticipated date for completion of the DTV transition. While Motorola greatly appreciates the Commission's proposal to move this date to December 31, 2006, a date of November 1, 2006 would provide for greater sales during the holiday selling season, resulting in many more homes being equipped with digital equipment and helping to avoid selling sets that would be obsolete immediately after purchase.

In the *DTV R&O & FNPRM*, the Commission states its belief that it is appropriate to advance the date on which all new television receiving equipment must include the capability to receive over-the-air DTV signals from July 1, 2007 to a date no later than December 31, 2006.⁴ Such a move would better align with the December 31, 2006 statutory requirement for the anticipated return of analog spectrum than the current DTV tuner requirement of July 1, 2007, which is a full six months after the originally anticipated completion of the transition. Allowing the date to remain July 1, 2007 could

³ *Id.* at ¶ 21.

⁴ *Id.*

result in hundreds of thousands, if not millions, of additional analog receivers to be deployed at a time when the transition to digital should be complete.

Having manufacturers continue to sell analog receiver equipped sets of any size after the analog handover is unconscionable. Motorola, therefore supports moving the date to no later than December 31, 2006. A far greater impact on the transition will be achieved, however, if the Commission requires inclusion of DTV tuners as of November 1, 2006, rather than December 31, 2006. This will allow greater sales during the important holiday selling season when the majority of sets are sold. Motorola agrees with the Commission's assessment that the DTV tuner requirements for sets with screen sizes 25" or greater will help drive down the cost of integrating DTV tuners into sets smaller than 25".⁵ Television manufactures that believe the addition of a DTV tuner needlessly adds to the cost of a television in cases where people are not necessarily buying the television for over-the-air reception are free to offer monitors that do not include any tuner. Importantly, such action would not expand the embedded base of analog only receivers. Ensuring that TVs intended for use with over-the-air signals have a tuner that is capable of receiving the latest broadcast standard will provide consumers with greater clarity regarding the digital transition, and reduce complaints by people who may have bought a television during the holidays, only to find that they will need a converter for their new television to continue to receive these over the air signals.

Moving the final benchmark date to November 1, 2006 will promote the transition to DTV by taking advantage of increased sales during the holiday shopping season, increasing the number of DTV-capable sets that are in the homes of consumers, and reducing the need for extra conversion equipment and reducing the overall cost to consumers.

⁵ *Id.*

II. Failure to Enact and Enforce Aggressive Requirements for DTV Tuners Could Delay the Full Availability of the 700 MHz Spectrum for Public Safety and Commercial Services

When the Commission adopted the DTV tuner requirement in 2002, it did so largely because of the concerns of broadcasting interests that a quick transition to digital broadcast television was impossible without widespread consumer adoption of DTV receivers.⁶ Without a guarantee that consumers would be able to receive digital signals over the air, broadcasters were loath to spend the time and resources necessary to complete the digital switch. The resulting delays have hindered the full availability of the 700 MHz spectrum for public safety and commercial services. It is appropriate to move the final date for requiring DTV tuners in order to help make this spectrum available as soon as possible.

As the Commission has noted, “continued marketing of analog-only sets can only serve to delay the transition further,” and continuing to sell television receivers equipped with NTSC tuners, but not ATSC tuners threaten to further delay the availability of the 700 MHz spectrum.⁷ The importance of freeing this spectrum for the use of first responders and other users has been noted by Congress, which recently passed legislation stating that “[t]he Federal Communications Commission should consider all regulatory means available to expedite the return of the analog spectrum.”⁸ Thus, the Commission should advance the final date for requiring integrated DTV tuners and demonstrate its commitment to a smooth and expeditious transition to over-the-air digital television by enforcing its requirements.

⁶ See *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Second Report and Order and Second Memorandum Opinion and Order, MM Docket No. 00-39, 17 FCC Rcd 15978, 15994, ¶ 27 (noting the “reluctance of the public to buy DTV receivers until there are DTV stations offering attractive DTV programs, and the lack of incentive of [sic] for broadcasters to provide good attractive programming in the absence of an audience which will attract advertisers”).

⁷ *Id.* at ¶ 35.

⁸ Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458, § 7501.

III. CONCLUSION

Motorola applauds the Commission's decision maintaining the requirement that, as of July 1, 2005, 50 percent of television receivers with screen sizes 25 to 36 inches sold in the U.S. include digital television (DTV) reception capability and advancing the date on which 100 percent of such receivers must include DTV capability by four months, from July 1, 2006 to March 1, 2006. Motorola supports advancing the date by which all television receivers with screens 13" inches and larger, as well as other devices that include television tuners, must include DTV tuners from July 1, 2007 to November 1, 2006. This will provide greater opportunity to advance sales of DTV enable equipment during the holiday selling season and maximize the deployment of digital equipment.

Respectfully submitted,

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